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| 10/518,658 | 12/16/2004 | David J. Alessio | SP-1550.2 US | 6803 |

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| EXAMINER |
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CHOI, JACOB Y

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,658

Applicant(s)

ALESSIO, DAVID J.

Examiner

Jacob Y. Choi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 12-14 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-9, 16 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim **15** is withdrawn from consideration as being depended on canceled claim
11. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

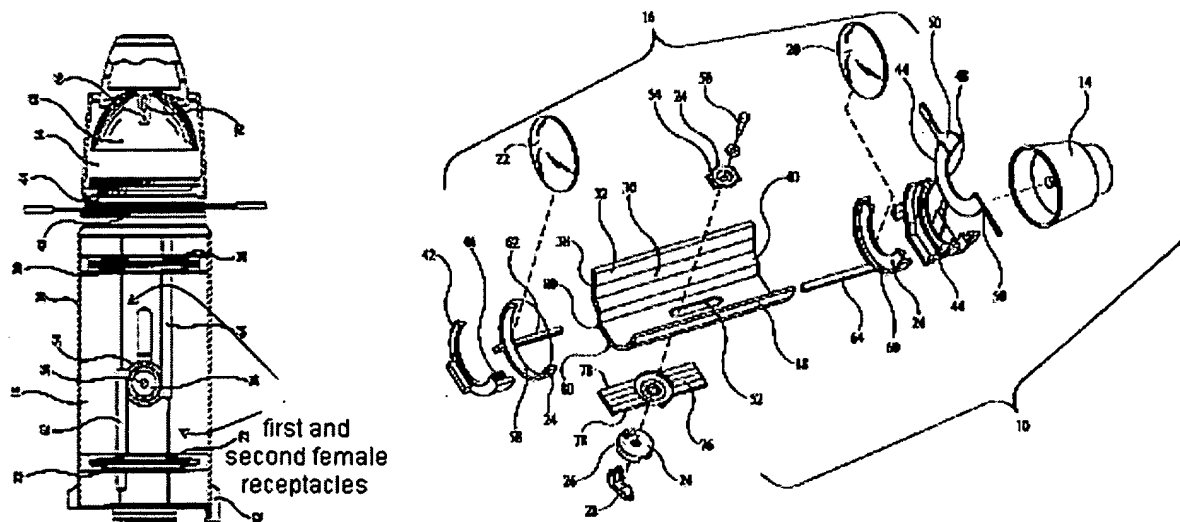
4. Claims **1, 2, 6-9, 16 and 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Esakoff et al. (USPN 6,092,914) in view of Little (USPN 4,519,020).

Regarding claims **1 & 16**, Esakoff et al. discloses a light source (e.g., 66) for generating a light beam, a first magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, a second magnifier lens (e.g., 20 or 22) disposed in the path of the light beam, and an adjusting mechanism (e.g., 24, 60, 64, 58, 62; Figure 1) adjustable (e.g.,

Art Unit: 2875

column 2, lines 15-25; "... a positioning mechanism, mounted on the housing, is configured to control the position of the first and a second optical components with respect to the illuminator ... etc.") to move the first and second magnifier lenses relative to the light source (e.g., 66) to adjust size of the light beam (e.g., columns 1-2; "... a conveniently adjusted lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.) and provide a substantially uniform light beam, wherein the adjusting mechanism comprises a rotatable member (e.g., Figure 6) and first (e.g., 62) and second (e.g., 64) male member that slide the two lenses (e.g., 20, 22) of the optical system along the lens tube (e.g., 30) so that when the rotatable member (e.g., Figure 6) is rotated the first (e.g., 20) and second (e.g., 22) magnifier lenses move axially relative to each other (e.g., columns 4-5, lines 60-10; "... Sliding the two lenses 20, 22 of the optical system along the lens tube 30 causes the optical system's focal point to move longitudinally with respect to the illuminator 14, and thus to move longitudinally with respect to the illuminator reflector's second focal point ... etc.")).

Esakoff et al. clearly suggest that the two lenses slide the optical system along the lens tube (e.g., column 4, lines 60-65) and show the first and second male members that travel within the first and second female receptacles (e.g., Figures 3-5). Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification (e.g., "*the first and second female receptacles*"). *In re Mraz*, 173 USPQ 25 (CCPA 1972).



Little clearly teaches the first and second female sliding receptacles (e.g., 40, 42) that guides the first and second lens frames (e.g., 36, 38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize accommodating first and second female receptacles so that the first and second male members travels along the optical system relatively moving the first and second lens. The following modification would have been necessary to provide necessary support between the sliding member(s) to guide them through the optical system.

Note: Claims in a pending application should be given their broadest reasonable interpretation (e.g., "uniform"). *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses a light pipe for producing a substantially collimated light beam (e.g., column 3, lines 10-20; "... a high-intensity

beam 12 of light at a distant location with a variable beam spread and a variable image distance ... etc.”) directed at the first and second magnifier lenses.

Regarding claim 6, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses a reflector wherein the light source is mounted at about a focal point of the reflector (e.g., column 4, lines 30-40; “... *light originating at one focal point ... etc.”).*

Regarding claim 7, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses the first and second magnifier lenses each comprise a convex magnifier lens (e.g., 20, 22).

Regarding claim 8, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses each of the magnifier lenses comprises a double convex lens (e.g., 20, 22).

Regarding claim 9, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses each of the magnifier lenses comprises a plano-convex lens (e.g., 20, 22).

Regarding claim 20, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses the first and second magnifier lenses each comprise a double convex magnifier (e.g., 20, 22).

Regarding claim 21, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses each of the first and second magnifier comprises a plano-convex magnifier lens (e.g., 20, 22).

Regarding claim 22, Esakoff et al. in view of Little discloses the claimed invention, explained above. In addition, Esakoff et al. discloses the light beam comprises a spot light beam (e.g., columns 1-2; "... *a conveniently adjusted lighting fixture configured to project and image a high-intensity at a distant location with a variable beam spread and a variable image distance ... etc.*").

Allowable Subject Matter

5. Claims **3-5 and 17-19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: independent claims 10 and 12 recites detailed structure of "... *the adjusting mechanism comprises a cylindrical barrel member and a pair of sleeve member, wherein first and second female receptacles are provided on one of the cylindrical barrel member and the pair of sleeve members, and first and second male members are provided on the other of the cylindrical barrel member and the pair of sleeve members, and wherein the first and second male members travel within the first and second female receptacles so that when the cylindrical barrel member is rotated the pair of sleeve members move axially relative to each other.*"

Because none of the prior art references disclosed the details of the cylindrical barrel member, pair of sleeve members ... etc. nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

7. Claim **10, 12, 13 and 14** allowed.

Response to Amendment

8. Examiner acknowledges that the applicant has amended claims **1, 10, 12 and 16** and canceled claim **11**. Currently, claims **1-10 and 12-22** are pending in the application.

Response to Arguments

9. Applicant's arguments with respect to claims **1, 2, 6-9, 16 and 20-22** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2875

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

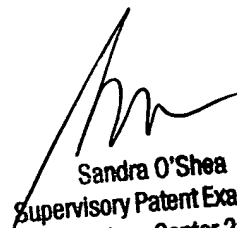
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacob Y Choi
Examiner
Art Unit 2875

JC



Sandra O'Shea
Supervisory Patent Examiner
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